



FISCAL MEMORANDUM

HB 7033 - SB 7028

August 22, 2023

SUMMARY OF BILL AS AMENDED (009509): Requires the clerk of the court that admits a defendant to bail to publish on the clerk's website a report listing the following information for each defendant admitted to bail: (1) the offense for which the defendant was admitted to bail; (2) the amount and conditions, if any, of the defendant's bail; and (3) the name of the magistrate, judge, other judicial official, or clerk admitting the defendant to bail. Requires such list be published within 48 hours of a defendant being admitted to bail. Effective October 1, 2023.

FISCAL IMPACT OF BILL AS AMENDED:

Other Fiscal Impact – This legislation is estimated to result in a significant recurring increase in local expenditures; however, based on multiple unknown variables, any such increase cannot be determined with reasonable certainty.*

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 40-11-105(a), when a defendant has been arrested or held to answer for any bailable offense, the defendant is entitled to be admitted to bail by the committing magistrate, by any judge of the circuit or criminal court, or by the clerk of any circuit or criminal court. The clerk of any circuit or criminal court may only admit the defendant to bail when the judge is not present in the court and the clerk reasonably believes that the judge will not be present within three hours after the defendant has been committed to the county or city jail, following arrest.
- The proposed draft legislation requires, within 48 hours of a defendant being admitted to bail, the clerk of the court that admits a defendant to bail to publish on the clerk's website a report listing the following information for each defendant admitted to bail:
 - The offense for which the defendant was admitted to bail;
 - The amount and conditions, if any, of the defendant's bail; and
 - The name of the magistrate, judge, other judicial official, or clerk admitting the defendant to bail.
- Requiring court clerks to publish the outlined information within 48 hours of a defendant being admitted to bail will result in a significant increase to local expenditures.
- However, due to multiple unknown factors, including, but not limited to the number of court clerks who do not currently have a website that would be required to establish a mechanism for publishing such information, the current staff availability of court clerks,

and the volume of defendants who would be admitted to bail at any given time, the extent and timing of any recurring increase to local expenditures cannot be reasonably determined.

**Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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